

Division of Insurance

Commissioner of Insurance Michael Conway

Behavioral Health Parity: Presentation to the Joint Health Committees

January 26, 2022



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Today's Discussion

- Introductions & Framing the Issues
 - Federal and State Law
- Overview of Behavioral Health Parity & Division Enforcement Actions
- Other Behavioral Health Enforcement Activities

What is Mental Health Parity?

The comparability of mental health and substance use disorder (SUD) coverage to medical and surgical care coverage.*

(IE: A qualified health plan cannot make it more difficult or expensive to see a therapist than an outpatient primary care doctor.)

Mental Health Parity and Addiction Equity Act / MHPAEA / Federal Parity Law / Mental Health Parity / Parity

*Language: Behavioral Health/Mental Health/SUD, Physical Health/Medical/Surgical



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MHPAEA requires that plans cannot have more restrictive:

Quantitative
Treatment
Limitations
(QTLs)

Non-Quantitative
Treatment
Limitations
(NQTLs)

Federal Law

The Mental Health Parity and Addiction Equity Act (MHPAEA)

Requires health insurance plans to cover mental health benefits and physical health benefits equally - if a plan offers mental health benefits.*

The Affordable Care Act

Includes mental and behavioral health services in the ten (10) Essential Health Benefits.

The Consolidated Appropriations Act, 2021

Amended MHPAEA to provide important new protections nationally.

Wit vs. United Behavioral Health:

Provided guidance on the Generally Accepted Standards of Care for assessing the medical necessity in MH and SUD treatment.



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State Law

HB19-1269: Behavioral Health Care Coverage Modernization Act

Aligns and expands MHPAEA requirements.

SB20-007: Concerning Treatment for Substance Use Disorders

Requires carriers to utilize, at a minimum, the most recent American Society of Addiction Medicine (ASAM) criteria for placement, medical necessity, and utilization management determinations.

HB21-1097: Concerning Recommendations from the Colorado Behavioral Health Task Force, and, in Connection therewith, Establishing a Behavioral Health Administration

Establishes the BHA.

DOI Behavioral Health Parity Actions



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Rulemaking & Other Policy Changes

- Revisions to Colorado Insurance Regulation 4-6-64 Concerning Mental Health Parity in Health Benefit Plans
 - ASAM integration and data collection format changes
- Colorado Insurance Regulation 4-2-75 Concerning Requirements for Reporting Medication-Assisted Treatment Coverage
- Provider Credentialing Data Call
- Gender Dysphoria Data Call



Colorado State Benchmark Plan

- Comprehensive stakeholder engagement process
 - Adds 15 alternatives to opioids (ALTOs) and up to 6 acupuncture visits to treat SUD/OD
 - Annual mental wellness exam
 - Comprehensive gender-affirming care

Rates and Forms

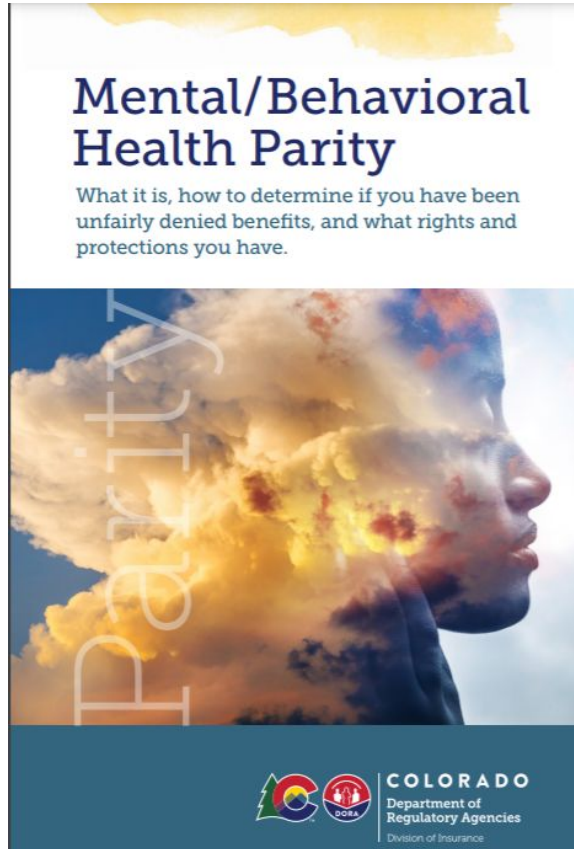
- Data submission by carriers annually
- Technical assistance provided to carriers related to submission and analysis
- Punitive Capabilities - financial, educational, and corrective action planning

Market Conduct Examinations

Market Conduct Examinations

- Four (4) MCEs investigating the following:
 - Reimbursement rate data and policies
 - Network adequacy & development
 - Provider directories
 - Pharmacy benefit design
 - QTLs and financial requirements
- One (1) comprehensive MCE, including parity

Consumer Education



- DOI website resource
- Mental / Behavioral Health Parity Booklet
 - 4,500 copies to 60 individuals and organizations
- Complaints from providers and consumers
 - 28 official complaints
- Behavioral Health Ombudsman

Community and State Partnerships

- National Association of Insurance Commissioners (NAIC) Parity Workgroup
- Rural and mountain communities
- Colorado Naloxone Project
- 9-8-8 Implementation Planning Committee
- Behavioral Health Task Force
 - COVID Special Assignment Committee
- Behavioral Health Transformational Task Force



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Questions?

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